

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL RIVERA,

Index No.: 1:16-cv-7552 (KBF)

Plaintiff,

JUDGMENT

-against-

HOME DEPOT U.S.A. INC.,

Defendant(s).

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HOME DEPOT U.S.A. INC.,

Third-Party Plaintiff,

-against-

BRYAN'S HOME IMPROVEMENT CORP.

Third- Party Defendant(s).

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KATHERINE B. FORREST, District Judge:

This action having been commenced September 27, 2016 by the filing of the Complaint, and the Court having granted Plaintiff's motion for Summary Judgment on liability under Labor Law Sections 240(1) and 241(6) (Dkt No. 71) and also having granted, in part, the Motion for Summary Judgment filed by plaintiff Daniel Rivera on March 23, 2018 (Dkt. No. 120) in the amount of \$6,593,495.00; and

Plaintiff's counsel having subsequently withdrawn his request for future economic damages related to potential surgical interventions (Dkt. No. 122); and

The parties having agreed on the quantum of plaintiff's past economic damages already incurred by Stipulation on April 9, 2018; and

The issues of past and future pain and suffering having come on for trial, and a jury having returned a verdict on April 11, 2018 on behalf of the plaintiff, it is

ORDERED, ADJUDGED AND DECREED that plaintiff shall have judgment against

defendant/third-party plaintiff Home Depot U.S.A., Inc., in the following amounts:

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|----|---|---|----------------|
| 1. | Economic Damages (past) Medical Expenses | : | \$230,631.44 |
| 2. | Economic damages (future) Home Care Routine Medical Costs Prescription Medications Physical Therapy Wheelchair and related items Mobility Aids, Home Furnishings and Aids for independent living | : | \$6,539,495.00 |
| 3. | Pain and Suffering (past) | : | \$135,000.00 |
| 4. | Pain and Suffering (future) 38 years To be structured in accordance with Article 50-B of the New York Civil Practice Law and Rules | : | \$1,710,000.00 |

and the Court having granted defendant/third-party plaintiff Home Depot U.S.A., Inc.'s motion for summary judgment on its contractual and common law indemnification claims as against third-party defendant Bryan's Home Improvement Corp. prior to trial at ECF No. 75, it is

ORDERED, ADJUDGED AND DECREED that payment of the plaintiffs judgment against defendant/third-party plaintiff Home Depot U.S.A., Inc. be made by third-party defendant Bryan's Home Improvement Corp. in the amount of \$8,615,126.44 plus allowable interest and costs pursuant to the terms and conditions stated herein.

SO ORDERED

Dated: New York, NY
_____, 2018

KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE